

1 AN ACT concerning business.

2 **Be it enacted by the People of the State of Illinois,**
3 **represented in the General Assembly:**

4 Section 1. Short title. This Act may be cited as the
5 Personal Information Protection Act.

6 Section 5. Definitions. In this Act:

7 "Data Collector" may include, but is not limited to,
8 government agencies, public and private universities,
9 privately and publicly held corporations, financial
10 institutions, retail operators, and any other entity that, for
11 any purpose, whether by automated collection or otherwise,
12 handles, collects, disseminates, or otherwise deals with
13 nonpublic personal information.

14 "Breach of the security of the system data" means
15 unauthorized acquisition of computerized data that compromises
16 the security, confidentiality, or integrity of personal
17 information maintained by the data collector. "Breach of the
18 security of the system data" does not include good faith
19 acquisition of personal information by an employee or agent of
20 the data collector for a legitimate purpose of the data
21 collector, provided that the personal information is not used
22 for a purpose unrelated to the data collector's business or
23 subject to further unauthorized disclosure.

24 "Breach of the security of non-computerized data" may
25 include, but is not limited to, unauthorized photocopying,
26 facsimiles, or other paper-based methods of transmitting
27 documents.

28 "Personal information" means an individual's first name or
29 first initial and last name in combination with any one or more
30 of the following data elements, when either the name or the
31 data elements are not encrypted or redacted:

32 (1) Social Security number.

1 (2) Driver's license number or State identification
2 card number.

3 (3) Account number or credit or debit card number, if
4 circumstances exist where the number could be used without
5 additional identifying information, access codes, or
6 passwords.

7 (4) Account passwords or personal identification
8 numbers or other access codes.

9 (5) Any item provided in paragraphs (1) through (4)
10 when not in connection with the individual's first name or
11 first initial and last name, if the information compromised
12 would be sufficient to perform or attempt to perform
13 identity theft against the person whose information was
14 compromised.

15 "Personal information" does not include publicly available
16 information that is lawfully made available to the general
17 public from federal, State, or local government records.

18 Section 10. Notice of Breach.

19 (a) Except as provided in subsection (b) of this Section,
20 any data collector that owns or uses personal information in
21 any form, whether computerized, paper, or otherwise, that
22 includes personal information concerning an Illinois resident
23 shall notify the resident that there has been a breach of the
24 security of the system data following discovery or notification
25 of the breach, without regard for whether the data has been
26 accessed by an unauthorized third party for legal or illegal
27 purposes. The disclosure notification shall be made in the most
28 expedient time possible and without unreasonable delay,
29 consistent with the legitimate needs of the law enforcement
30 agency, as provided in subsection (b) of this Section, or with
31 any measures necessary to determine the scope of the breach and
32 restore the reasonable integrity, security, and
33 confidentiality of the data system.

34 (b) The notification required by this Section may be
35 delayed if a law enforcement agency determines that the

1 notification may impede a criminal investigation. The
2 notification required by this Section shall be made after the
3 law enforcement agency determines that it will not compromise
4 the investigation.

5 (c) For purposes of this Section, notice to consumers may
6 be provided by one of the following methods:

7 (1) written notice;

8 (2) electronic notice, if the notice provided is
9 consistent with the provisions regarding electronic
10 records and signatures for notices legally required to be
11 in writing as set forth in Section 7001 of Title 15 of the
12 United States Code; or

13 (3) substitute notice, if the data collector
14 demonstrates that the cost of providing notice would exceed
15 \$250,000 or that the affected class of subject persons to
16 be notified exceeds 500,000, or the data collector does not
17 have sufficient contact information. Substitute notice
18 shall consist of all of the following: (i) e-mail notice if
19 the data collector has an email address for the subject
20 persons; (ii) conspicuous posting of the notice on the data
21 collector's web site page if the data collector maintains
22 one; and (iii) notification to major statewide media.

23 Section 15. Waiver. Any waiver of the provisions of this
24 Act is contrary to public policy and is void and unenforceable.

25 Section 20. Violation. A violation of this Act constitutes
26 an unlawful practice under the Consumer Fraud and Deceptive
27 Business Practices Act.

28 Section 900. The Consumer Fraud and Deceptive Business
29 Practices Act is amended by changing Section 2Z as follows:

30 (815 ILCS 505/2Z) (from Ch. 121 1/2, par. 262Z)

31 Sec. 2Z. Violations of other Acts. Any person who knowingly
32 violates the Automotive Repair Act, the Home Repair and

1 Remodeling Act, the Dance Studio Act, the Physical Fitness
2 Services Act, the Hearing Instrument Consumer Protection Act,
3 the Illinois Union Label Act, the Job Referral and Job Listing
4 Services Consumer Protection Act, the Travel Promotion
5 Consumer Protection Act, the Credit Services Organizations
6 Act, the Automatic Telephone Dialers Act, the Pay-Per-Call
7 Services Consumer Protection Act, the Telephone Solicitations
8 Act, the Illinois Funeral or Burial Funds Act, the Cemetery
9 Care Act, the Safe and Hygienic Bed Act, the Pre-Need Cemetery
10 Sales Act, the High Risk Home Loan Act, subsection (a) or (b)
11 of Section 3-10 of the Cigarette Tax Act, subsection (a) or (b)
12 of Section 3-10 of the Cigarette Use Tax Act, the Electronic
13 Mail Act, paragraph (6) of subsection (k) of Section 6-305 of
14 the Illinois Vehicle Code, ~~or~~ the Automatic Contract Renewal
15 Act, or the Personal Information Protection Act commits an
16 unlawful practice within the meaning of this Act.

17 (Source: P.A. 92-426, eff. 1-1-02; 93-561, eff. 1-1-04; 93-950,
18 eff. 1-1-05.)